

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
SOUTHERN DIVISION**

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MARTIN J. WALSH, ¹)	
SECRETARY OF LABOR,)	
UNITED STATES DEPARTMENT OF LABOR,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 8:19-cv-00934
)	
SOFIA & GICELLE, INC. dba)	
FAST EDDIES, SPORTS & BILLIARDS, a corporation;)	
Maria Aguilar, individually, and as President and)	
and owner of the aforementioned corporation,)	
)	
Defendants.)	
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PLAINTIFF’S RULE 26(A)(3) DISCLOSURES

Pursuant to Rule 26(a)(3) of the Federal Rules of Civil Procedure, Plaintiff Martin J. Walsh, Secretary of Labor, United States Department of Labor, submits the following Rule 26(a)(3) Pretrial Disclosures:

I. The name and, if not previously provided, the address and telephone number of each witness

Plaintiff expects to present, or may present, at trial by live testimony, reserving Plaintiff’s rights to call additional witnesses for the purpose of rebuttal of Defendants’ evidence and testimony, or for the purposes of impeachment, and reserving Plaintiff’s right to amend or supplement this list.

¹ Pursuant to Federal Rule of Civil Procedure 25(d), Secretary of Labor Martin J. Walsh is substituted for Eugene Scalia as the plaintiff in this action.

A. DOL expects to call:

1. Claudia Villarreal Cuevas
2. Martha Mosco – AM Accounting
3. Adrianna Leon – AM Accounting
4. Grace Thune – AM Accounting
5. Elizabeth Hernandez – Opreza & Associates
6. Maria Aguilar
7. Testimony from some or all of the following current or former employees of Defendants. In providing the following names, Plaintiff makes no representation that the U.S. Department of Labor spoke to any specific persons during the course of the investigation, nor does Plaintiff otherwise identify any of them as having provided information to DOL. Providing these names is not intended to be a waiver of the informer's privilege with respect to the identity of any person who was interviewed or provided information during the course of the investigation. Plaintiff reserves the right to supplement this list with names of witnesses who are otherwise protected by the informer's privilege:

Melissa Albrecht	James Hudson
Jose Alvarez	Eleana Jenkins
Diamoniq (Diamonique) Bellamy	D'Ann Johnson
Carlos Barksdale	Genrara Jones
Camarri Berri	Kendra Jones
Chrishau (Chrishauana) Brooks	Destinee Kent
Kennedi Collins	Ayanna Long
Joanna Cook	Glenda Lopez
Stephani Cowan Parrish	Janay Mcpherson
Alexiuss Cummings	Brook Miles
Enrique Ferman	Belkys Montoya
Christina Faulks	Tracy Morgan
Kenia Garcia	Mary J. Parker

Stephani Cowan Parrish

Jimmy Simmons

Janelle Suter

Paul Wolfe

Joseph Yearwood

Charbai T. Burton

Carlos Barksdale

B. DOL may call:

1. Roberto Reyes
2. Jose Hernandez
3. Testimony from some or all of the following current or former employees of Defendants. In providing the following names, Plaintiff makes no representation that the U.S. Department of Labor spoke to any specific persons during the course of the investigation, nor does Plaintiff otherwise identify any of them as having provided information to DOL. Providing these names is not intended to be a waiver of the informer's privilege with respect to the identity of any person who was interviewed or provided information during the course of the investigation. Plaintiff reserves the right to supplement this list with names of witnesses who are otherwise protected by the informer's privilege:

Aranniva Eliezer Asael

Erica Babbit

Catherine Clark

Nancy Doe

Tina Doe

Ajailai Hall

Amber Howard

Aguila Hovings

Shantee Hydee

Glen Inman

Ever Jose

Hannah Klove

Anthony Morales

Inna Quarterma

Alberto Rufino

Naomi Ruiz

Shayla Nicole Rodriguez

Jose Jose

Jakema Washington

II. The designation of those witnesses whose testimony he party expects to present by deposition and, if not taken stenographically, a transcript of the pertinent parts of the deposition.

- **Maria Aguilar 30(b)(6) Deposition Transcript dated October 16, 2019**

- 9:20-22
- 10:1-7
- 18:1-22
- 19:1-3
- 21:1-22
- 22:1-7
- 38:20-22
- 39:1-2
- 41:6-12

- **Maria Aguilar Deposition Transcript dated October 16, 2019**

- 10:6-7
- 20:16-17
- 21:22
- 28:19-21
- 20:4-10
- 23:10-14
- 29:7-9
- 34:11-18
- 43:9-22
- 44:1-22
- 45:1-2
- 47:1-8
- 48:9-11
- 52:15-19
- 53:6-9
- 53:13-17
- 54:8-10
- 54:8-14
- 55:16-18

- **Adriana Leon Deposition Transcript dated January 17, 2020**

- 21:1-4
- 21:6-8
- 21:19-21
- 22:1-25
- 23:11-17
- 24:2-8
- 24:10-25
- 25:1-25
- 26:3-7

- 27-29
- 30:3-8
- 30:1-25
- 31:6-20
- 32:4-10
- 33:16-25
- 34:1-16

- **Martha Mosco Deposition Transcript dated January 17, 2020**

- 18:7-25
- 20:21-23
- 19:17-25
- 20:3-17
- 21:3-7
- 21:8-18
- 21:18-15
- 22:1-3
- 22:1-25
- 23:1-25
- 24:1-23
- 25:18-25
- 26:1-25
- 27:4-25
- 28:1-8
- 28:17-25
- 29:1-25
- 31:11-25
- 32:1-25
- 33:1-25
- 34:4-18
- 35:1-25
- 36:1-25
- 37:1-25
- 38:11-12

Plaintiff reserves the right to use deposition testimony and all depositions taken in this matter as may be needed for purpose of impeachment or rebuttal.

III. An identification of each document or other exhibit, including summaries of other evidence – separately identifying those items the party expects to offer and those it may offer if the need arises.

Plaintiff anticipates using the below-listed documents as exhibits at the trial in this case.

Plaintiff reserves the right to supplement this list based on any information that may be discovered subsequent to the submission of this list:

Exhibit Number	Description	Expect or May Use
PX-1	Payroll Records Produced During Investigation	Expect
PX-2	Payroll Records Produced Post-Investigation	Expect
PX-3	Timesheets	Expect
PX-4	Sample Paystub	Expect
PX-5	Employee Declarations	Expect
PX-6	Employee Statements	Expect
PX-7	Maria Aguilar Statements	Expect
PX-8	Sample Fast Eddies Schedule	Expect
PX-9	Summary of Unpaid Wages (Investigative Period)	May
PX-10	Back Wage Computations (Investigative Period)	May
PX-11	Summary of Unpaid Wages	Expect
PX-12	Back Wage Computations	Expect
PX-13	Maria Aguilar Deposition Transcript	May
PX-14	Maria Aguilar 30(b)(6) Deposition Transcript	May
PX-15	Martha Moscoso Deposition Transcript	May
PX-16	Adriana Leon Deposition Transcript	May

PX-17	Maria Aguilar Tax Records	May
PX-18	Fast Eddies Tax Records	May
PX-19	Fast Eddies Responses to Interrogatories	May
PX-20	Maria Aguilar Responses to Interrogatories	May
PX-21	Fast Eddies Responses to Request for Admissions	May
PX-22	Fast Eddies Supplemental Reponses to Interrogatory 15	May
PX-23	Fast Eddies Second Supplemental Reponses to Interrogatory 15	May
PX-24	Fast Eddies Third Supplemental Reponses to Interrogatory 15	May
PX-25	Fast Eddies Fourth Supplemental Reponses to Interrogatory 15	May
PX-26	Fast Eddies Third Supplemental Responses to Request for Production of Documents	May
PX-27	Case Diary Entries	May
PX-28	FLSA Narrative	May
PX-29	Final Conference Report	May
PX-30	Tolling Agreement	May
PX-31	Schedule A	May
PX-32	Appointment Letter	May
PX- 33	Fast Eddies Work Rules	May
PX-34	Fast Eddies Employment Application	May
PX-35	DOL Establishment Visitation Letter	May
PX-36	Tip Credit Demonstrative	Expect
PX-37	Wage and Hour Fact Sheet #15	Expect

PX-38	Wage and Hour Fact Sheet #15A – Ownership of Tips Under the FLSA	Expect
PX-39	Fact Sheet #17 – FLSA Exemptions	Expect
PX-40	Fact Sheet# 20 – Employees Paid Commission	May
PX-41	Any and all answers provided by Defendant in response to Request for Production of Document served by the Plaintiff	May
PX-42	Any and all documents provided by Plaintiff in response to Request for Documents served by the Defendant	May
PX-43	Any and all documents provided by Plaintiff in response to its answers to Interrogatories served by the Defendant	May
	All exhibits identified in Defendant's Exhibit List and Prehearing Statement	May
	Any documents produced by informer witnesses at or before hearing which are not currently in the Plaintiff's possession	May

In addition, Plaintiff reserves the right to use documents not listed above for the purpose of impeachment, rebuttal, or other issues not anticipated, including any deposition testimony and exhibits used at the time of the depositions.

Respectfully submitted,

Mailing Address:

UNITED STATES DEPARTMENT OF LABOR

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/s/ Chervonti Jones

Chervonti Jones

Trial Attorney

May 26, 2021

CERTIFICATE OF SERVICE

I hereby certify that on May 26, 2021, a true and correct copy of the foregoing

PLAINTIFF'S 26(a)(3) DISCLOSURES was served upon the following via electronic mail

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/s/ Chervonti Jones

Chervonti Jones

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
SOUTHERN DIVISION**

MARTIN J. WALSH,
SECRETARY OF LABOR,
U.S. DEPARTMENT OF LABOR,

Plaintiff,

v.

SOFIA & GICELLE, INC., et al.,

Defendants.

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Civil Action No.: TDC-19-0934

DEFENDANTS' RULE 26(a)(3) PRETRIAL DISCLOSURES

Defendants SOFIA & GICELLE, INC., and MARIA AGUILAR ("Defendants"), hereby submit their Rule 26(a)(3) Pretrial Disclosures.

1. Witnesses to be presented by Defendants at trial

Defendant Maria Aguilar

Roberto Reyes (Defendants' ex-employee)

Jose Alvarez (Defendants' ex-employee)

Jose Hernandez (Defendants' ex-employee)

Enrique Ferman (Defendants' ex-employee)

Mellissa Albrecht (Defendants' ex-employee)

Belkys Montoya (Defendants' ex-employee)

Witnesses that may be presented by Defendants at trial

Naomi Ruiz (Defendants' ex-employee)

Tracy Morgan (Defendants' ex-employee)

Claudia Villarreal Cuevas, DOL W&H Investigator (c/o Plaintiff's counsel)

2. Defendants' witness testimonies presented by deposition

Deposition of Claudia Villarreal Cuevas dated October 17, 2019.

3. List of documents Defendants expect to offer in evidence (Bates-stamp pages)

- DOL Case Diary Entries (11/7/2016-6/12/2018) DOL0135-DOL0148
- WHISHARD Compliance Action Report (May 2018) DOL0002-DOL0020
- Form WH-55 DOL Back Wages Summary List (4/27/2021)
- Form WH-56 Summary of Back Wages, Fast Eddie's (10/25/2019)
- Employee List DOL0470-DOL0471
- Payroll Register (2018) DOL0474-DOL0481
- FLSA Final Conference Report (2/27/2018) DOL0249-DOL0256
- Yearly Employee Earnings Report (2017) DOL0483-DOL0493
- Fast Eddie's Policies DOL0425-DOL0427
- Plaintiff's Exhibits in support of his summary judgment pleadings, including:
 - Exhibit 13: Fast Eddie's Time Cards (ECF 39-2)(6/12/20) A0152-A00442;
J.R. 0204-J.R. 0422
 - Exhibit 14: Payroll Records (ECF 39-3)(6/12/20) J.R. 0423-J.R. 0488
 - Exhibit 15: DOL Summary Unpaid Wages (6/17/2020) DOL1083-DOL1189;
J.R. 0489-J.R. 0597
 - Exhibit 16: Employee Statements (ECF 41-1)(6/12/20) DOL0830-DOL0877;
J.R. 0598-J.R. 0634
 - Exhibit 17: Employee Declarations (Redacted) J.R. 0635-J.R. 0648
 - Exhibit 19: Claudia Villarreal Cuevas Declaration
(ECF-40-2)(6/12/20) J.R. 0660-J.R. 0671
 - Exhibit 20: Sample Fast Eddie's Schedule (ECF 40-3) J.R. 0672-J.R. 0673
(6/12/20)

List of documents Defendants may offer in evidence if the need arises

- All of documents produced by Plaintiff and Defendants in discovery
- Responses to Interrogatories by Plaintiff and Defendants in discovery

Respectfully Submitted,

DATE: May 26, 2021

/s/ Michael E. Veve

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Co-counsel for Defendants

CERTIFICATION

I, Michael E. Veve, hereby do certify that on this 26th day of May, 2021 a correct copy
of the Defendants' Rule 26(a)(3) Pretrial Disclosures was emailed to:

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/s/ Michael E. Veve
Michael E. Veve, Esq.